

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

MBIA Inc., Plaintiff

AMENDED COMPLAINT

SUMMONS IN A CIVIL ACTION

v.

Federal Insurance Company and Ace American  
Insurance Company, Defendants.

CASE NUMBER: 08-CV-4313 (RMB)(DFE)

TO: (Name and address of Defendant)

Federal Insurance Company  
15 Mountainview Road, Warren, NJ, 07059

Ace American Insurance Company  
436 Walnut Street, Philadelphia, PA, 19106

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

James G. McCarney  
Howrey LLP, 153 E. 53rd Street, 54th Floor, New York, NY, 10022

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

MAY 21 2008

J. MICHAEL McMAHON

CLERK

DATE

(By) DEPUTY CLERK



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RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <u>5/22/08</u> at 1:28 p.m.	
NAME OF SERVER (PRINT) <u>Anthony Calderon</u>	TITLE <u>Process Server</u>	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: ACE American Insurance c/o New York State Insurance Department (Office of the General Counsel) at 25 Beaver Street, 4th Floor, New York, NY		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
Name of person with whom the summons and complaint were left: <u>Charlene Morris, Legal Assistant</u>		
<input type="checkbox"/> Returned unexecuted:		
<input checked="" type="checkbox"/> Other (specify): <u>A fee of \$40.00 was tendered</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL <u>\$0.00</u>
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>5/22/08</u> Date _____</p> <p><u>Signature of Server</u> <u>Anthony Calderon</u> Organization License No. 1155020</p> <p><u>Address of Server</u> <u>29-27 41<sup>st</sup> Avenue</u> <u>Suite 812</u> <u>Long Island City, NY 11101</u></p> <p><u>NOTARY PUBLIC</u> EDWIN PATRICK SANTAMARIA Notary Public, State of New York No. 01SA6062013 Qualified in New York County Commission Expires July 30, 2009</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.